



PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA



200041 26/ Floor, Wen Xin United Press Tower 755 Weihai Road, Shanghai Watson & Band Law Offices Huang Yiwen	Dispatching Date Februray 22, 2008
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Application No.: 2004800280685
Applicant: YUYAMA MFG. CO., LTD.
Name of Invention: TABLET CASSETTE

**The First Office Action**  
**(PCT Application in the National Phase)**

1. ☒ The applicant filed a Request for Substantive Examination, pursuant to the provisions of Item 1, Article 35 of the Chinese Patent Law, the Examiner has proceeded with the Examination as to Substance on the above mentioned application for patent for invention.
  - ☐ According to Item 2, Article 35 of the Patent Law, the Chinese Patent Office has decided to examine the above application for patent for invention.
2. ☒ The applicant has requested that the filling date of  
    October 01, 2003 at the JP Patent Office as the priority date,  
    \_\_\_\_\_ at the \_\_\_\_\_ Patent Office as the priority date,  
    \_\_\_\_\_ at the \_\_\_\_\_ Patent Office as the priority date.
3. ☐ The applicant submitted the amendments on \_\_\_\_\_ and \_\_\_\_\_ as well as \_\_\_\_\_, respectively. After examination, the amendments submitted on \_\_\_\_\_ did not conform to the provision of Item 1, Rule 51 of the Implementing Regulations of the Patent Law.
  - ☐ \_\_\_\_\_
4. ☐ The examination is conducted by directing at the Chinese version of the original International Application submitted.
  - ☒ The examination is conducted by directing at the following application documents:
    - ☒ Description, p. 1, 3-9, the Chinese version of the original International Application Document submitted;
    - p. \_\_\_\_\_, the Chinese version of the attachment of the International Preliminary Examination Report;
    - p. 2, the amended document submitted according to the provision of Rule 28 or Rule 41 of the Patent Cooperation Treaty.
    - p. \_\_\_\_\_, the amended document submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.
  - ☐ \_\_\_\_\_
  - ☒ Claims, No. 1, 3-11, the Chinese version of the original International Application Document submitted.
  - No. \_\_\_\_\_, the Chinese version of the amended document submitted according to the

provision of Rule 19 of the Patent Cooperation Treaty.

No. \_\_\_\_\_, the Chinese version of the attachment of the International Preliminary Report.

No. 2, the amended document submitted according to the provision of Rule 28 or Rule 41 of the Patent Cooperation Treaty.

No. \_\_\_\_\_, the amended document submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

☐ \_\_\_\_\_

☒ Drawings,

p. 1-11, the Chinese version of the original International Application Document submitted.

p. \_\_\_\_\_, the Chinese version of the attachment of the International Preliminary Examination Report.

p. \_\_\_\_\_,

p. \_\_\_\_\_, the amended document submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

☐ \_\_\_\_\_

☒ This Notice cites the following comparison Document ( the number of which shall continue to be used in the subsequent examination proceedings):

No.	Number/Title of Document	Date of Publication
		(or the filing date of the conflicting Application)
1	JP 2002179020A	2002-06-26
2	CN2235756Y	1996-04-06

5. The conclusive opinion drawn from the examination:

☒ As regards the Specification:

- ☐ The contents of the application fall under the scope stipulated by Article 5 of the Patent Law for which no patent right shall be granted.
- ☐ The specification does not conform to the provision of Item 3, Article 26 of the Patent Law.
- ☐ The specification does not conform to the provision of Article 33 of the Patent Law.
- ☐ The writing of specification does not conform to the provision of Rule 18 of the Implementing Regulations of Patent Law.

☒ The writing of specification does not conform to the provision of Item 3, Rule 19 of the Implementing Regulations of Patent Law.

☒ As regards the Claims:

☐ Claim \_\_\_\_\_ does not possess novelty as stipulated in Item 2, Article 22 of the Patent Law.

☒ Claims 1-5 do not possess inventiveness as stipulated in Item 3, Article 22 of the Patent Law.

☐ Claim \_\_\_\_\_ does not possess practical applicability as stipulated in Item 4, Article 22 of the Patent Law.

☐ Claim \_\_\_\_\_ falls into the scope of Article 25 of the Patent Law where no patent right shall be granted.

☐ Claim \_\_\_\_\_ does not conform to the provision of Item 4, Article 26 of the Patent Law.

☐ Claim \_\_\_\_\_ does not conform to the provision of Item 1, Article 31 of the Patent Law.

☐ Claim \_\_\_\_\_ does not conform to the provision of Article 33 of the Patent Law.

☐ Claim \_\_\_\_\_ does not conform to the provision of definition of Invention as stipulated in Item 1,

Rule 13 of the Implementing Regulations.

☐ Claim \_\_\_\_\_ does not conform to the provision of Rule 2 of the Implementing Regulations of Patent Law in regard to the definition of patent for invention.

☒ Claim 6 does not conform to the provision of Rules 20 of the Implementing Regulations.

☐ Claim \_\_\_\_\_ does not conform to the provision of Rule 21 of the Implementing Regulations.

☐ Claim \_\_\_\_\_ does not conform to the provision of Rule 22 of the Implementing Regulations.

☒ Claims 6, 7, 10 do not conform to the provision of Rule 23 of the Implementing Regulations.

☐ \_\_\_\_\_

Refer to the text of this Notice for the specific analyses of the conclusive opinion.

6. Based on the above conclusive opinion, the Examiner deems that:

☐ The applicant shall amend the application documents in accordance with the requirements raised in the text of the Notice.

☒ The applicant shall discuss in his Observations reasons why this application for patent can be granted a patent right, and amend the portions indicated in the text of the Notice which have been deemed as not conforming to the provisions, otherwise no patent right shall be granted.

☐ There is no substantive contents in the application for patent that can be granted a patent right. If the applicant does not present reasons or the reasons presented are not sufficient, the application shall be rejected.

☐ \_\_\_\_\_

7. The applicant is asked to note the following items:

(1) According to the provision of Article 37 of the Patent Law, the applicant shall submit his observations within **FOUR** months from the receipt of this Notice. Where, without justified reasons, the applicant does not respond at the expiration of said date, the application shall be deemed to have been withdrawn

(2) The applicant shall amend his application according to Article 33 of the Patent Law. The amended documents shall be in duplicate, and the form, in conformity with the relevant provisions in the Examination Guide.

(3) The applicant and/or his agent can not, without first making an appointment, go to the Patent Office to have an interview with the Examiner.

(4) The Observations and/or the amended documents shall be mailed or delivered to the Office of Receipt, the Chinese Patent Office. No documents shall possess legal effects if not mailed or delivered to the Office of Receipt.

8. The text of this notice totals 2 page(s), including the following attachments:

☒ duplicate copy(ies) of cited comparison document(s), altogether 2 copy(ies) 12 pages.

☐ \_\_\_\_\_

## **Text of the Notification of the First Office Action**

Application number: 2004800280685

The application relates to a tablet cassette. After examination, the examination opinions are given as follows:

1. Claim 1 requests to protect a tablet cassette, and the comparison document 1 (JP2002179020A, published on June 26, 2002) is its closest prior art, which discloses a tablet supplying device, and discloses the tablet supplying device has a tablet cassette 1 for placing the tablet T, and a rotor 4 mounted on the tablet cassette 1 and having a depression for maintaining the tablet, when the tablet cassette 1 is mounted on the mounting desk 2, the tablet T maintained in the depression is discharged from the discharging opening 8 by the rotation of the rotor 4; and when the tablet cassette 1 is demounted from the mounting desk 2, the elastic coupling component 10 (function as the rotor reverse rotation member) linkages with the shoulder-part 11X, so as to reverse rotate the rotor 4 a predetermined value (see the paragraphs 0019-0024, and the Figs. 1-4). Therefore, compared with the comparison document 1, the different technical feature between the present claim 1 and the comparison document 1: a pressing member, which is pressed when the tablet cassette is detached from the installation stand.

The comparison document 2 (CN2235756Y, published on April 6, 1996) disclose a sliding track device for drawer, which discloses the device has a wedging piece 4 (see the last paragraph of the page 2, and the Figs. 1-3). In the Claims, the function of the pressing member is to be pressed, so as to the tablet cassette can be detached, and the wedging piece 4 in the comparison document 2 is the member can be pressed to detach the container. Therefore, their operation principles are identical, which is to detach a container by pressing a pressing member, and they both can achieve the technical effect that a member is detached. Therefore, the different technical feature is disclosed by the comparison document 2.

Therefore, the comparison document 2 give the revelation to apply the above technical feature into the comparison document 1, and the revelation make the skilled in the field to get the technical solution defined by the claim 1 by combined the comparison

document 2 into the comparison document 1. Therefore, the technical solution defined by the claim 1 has not prominent substantive features and does not represent a notable progress, which does not conform to the provision of the inventiveness as stipulated in the Item 3, Article 22 of the Patent Law.

2. The additional technical feature of the claim 2 "the pressing member is a pressing stick rotably provided on the tablet cassette by the supporting shaft". It is the common structure to connect a stick by a supporting shaft to make the stick rotably connecting to the supporting shaft. Therefore, the claim 2 has not prominent substantive features and does not represent a notable progress on the basis of the claim 1 does not possess the inventiveness, which does not conform to the provision of the inventiveness as stipulated in the Item 3, Article 22 of the Patent Law.

3. The additional technical feature of the claim 3 "the pressing member has a elastic plate extending from the supporting shaft to the opposite side of the pressing stick, and the elastic plate has a clip claw to clip with the clipped portion provided on the rail of the installation stand". It is the common structure to provide a elastic plate on the opposite side of the pressing stick to make it maintain better elasticity or provide a clip claw to clip with the clipped portion on the rail to achieve the object of clipping or detaching. Therefore, the claim 3 has not prominent substantive features and does not represent a notable progress on the basis of the claim 2 does not possess the inventiveness, which does not conform to the provision of the inventiveness as stipulated in the Item 3, Article 22 of the Patent Law.

4. The additional technical feature of the claim 4 "the pressing members is a pair of members that are pressed at the meantime that the tablet cassette is grasped", this structure is the common structure in the field. Therefore, the claim 4 has not prominent substantive features and does not represent a notable progress on the basis of the claims 1-3 do not possess the inventiveness, which does not conform to the provision of the inventiveness as stipulated in the Item 3, Article 22 of the Patent Law.

5. The additional technical feature of the claim 5 “the rotor reverse rotation member is provided on one of the pair of pressing members” is disclosed by the comparison document 1 (see the paragraphs 0019-0024, and the Figs. 1-4). Therefore, the claim 5 has not prominent substantive features and does not represent a notable progress on the basis of the claim 4 does not possess the inventiveness, which does not conform to the provision of the inventiveness as stipulated in the Item 3, Article 22 of the Patent Law.

6. There is a technical feature “a force-applying member that applies the force to the unpressed direction to the pressing member” in the claim 6, while there is only the expression about the force-applying member respect to the pressing direction in the specification, which causes the protect scope is unclearly, which does not conform to the provision as stipulated in the Item 1, Rule 20 of the Implementing Regulation of the Patent Law.

7. There are some formation defects in the claim 3. (we will overcome the defects by amending the Chinese expression)

8. There are some formation defects in the Description.(we will overcome the defects by amending the Chinese expression)

9. The expression “rotor” in the Line 8, paragraph 4, page 6 of the Description is different from the other reference sign in the Description, which does not conform to the provision as stipulated in the Item 3, Rule 19 of the Implementing Regulation of the Patent Law, and the applicant shall amend it.

10. The dependent claims 6, 7, 10 are multiple dependent claims, which refer to the preceding multiple dependent claims 4, 6, 7, which does not conform to the provision as stipulated in the Item 2, Rule 23 of the Implementing Regulation of the Patent Law,

and the applicant shall amend it.

Due to the aforementioned reasons, the applicant should reply to every problem addressed in the text of the Office Action and make necessary amendments according to the opinions given in the Office Action within the specified time limit under Rule 51 of the Implementing Regulations. The amendment to the application should conform to the provisions of Article 33 of the Patent Law and not go beyond the scope of the disclosure contained in the initial specification and claims. The applicant should submit the amendment document as follows: first, a duplicate of the initial page on which amendment is made, and the addition, deletion and substitution should be marked with a red pen or ball pen; second, a retyped replacement sheets for replacing the initial page. It should be ensured that the content of the retyped replacement sheets comply with that of the amended duplicate pages.

Examiner: Xie Ming

P060248



# 中华人民共和国国家知识产权局

200041	上海市威海路 755 号文新报业大厦 26 楼 上海市华诚律师事务所 黄依文	发文日
申请号: 2004800280685		
申请人: 株式会社汤山制作所		
发明名称: 片剂盒		



## 第一次审查意见通知书

(进入国家阶段的 PCT 申请)

- ☒ 应申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 国家知识产权局对上述发明专利申请进行实质审查。  
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局专利局决定自行对上述发明专利申请进行审查。
- ☒ 申请人要求以其在:

JP 专利局的申请日 2003 年 10 月 01 日为优先权日,  
专利局的申请日 年 月 日为优先权日,  
专利局的申请日 年 月 日为优先权日。

- ☐ 申请人于 年 月 日和 年 月 日以及 年 月 日提交了修改文件。  
经审查, 申请人于 年 月 日提交的 不符合专利法实施细则第 51 条第 1 款的规定。

- ☐ 审查是针对原始提交的国际申请的中文译文进行的。

☒ 审查是针对下述申请文件进行的:

- ☒ 说明书 第 1, 3-9 页, 按照进入中国国家阶段时提交的国际申请文件的中文文本;  
第 页, 按照专利性国际初步报告附件的中文文本;  
第 2 页, 按照依据专利合作条约第 28 条或 41 条规定所提交的修改文件;  
第 页, 按照依据专利法实施细则第 51 条第 1 款规定所提交的修改文件;  
第 页, 按照 年 月 日所提交的修改文件。

- ☐ 权利要求 第 1, 3-11 项, 按照进入中国国家阶段时提交的国际申请文件的中文文本;  
第 项, 按照依据专利合作条约第 19 条规定所提交的修改文件的中文文本;  
第 项, 按照专利性国际初步报告附件的中文文本;  
第 2 项, 按照依据专利合作条约第 28 条或 41 条规定所提交的修改文件;  
第 项, 按照依据专利法实施细则第 51 条第 1 款规定所提交的修改文件;  
第 项, 按照 年 月 日所提交的修改文件。

- ☐ 附图 第 1-11 页, 按照进入中国国家阶段时提交的国际申请文件的中文文本;  
第 页, 按照专利性国际初步报告附件的中文文本;  
第 页, 按照依据专利合作条约第 28 条或 41 条规定所提交的修改文件;  
第 页, 按照依据专利法实施细则第 51 条第 1 款规定所提交的修改文件;  
第 页, 按照 年 月 日所提交的修改文件。

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2006. 7



回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收  
(注: 凡寄给审查员个人的信函不具有法律效力)





☒ 本通知书引用下述对比文件(其编号在今后的审查过程中继续沿用):

编号	文件号或名称	公开日期 (或抵触申请的申请日)
1	JP2002179020A	2002 年 6 月 26 日
2	CN2235756Y	1996 年 4 月 6 日

5. 审查的结论性意见:

☒ 关于说明书:

- ☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。
- ☐ 说明书不符合专利法第 26 条第 3 款的规定。
- ☐ 说明书不符合专利法第 33 条的规定。
- ☐ 说明书的撰写不符合专利法实施细则第 18 条的规定。
- ☒ 说明书的撰写不符合专利法实施细则第 19 条第 3 款的规定。

☒ 关于权利要求书:

- ☐ 权利要求 不具備专利法第 22 条第 2 款规定的新颖性。
- ☒ 权利要求 1-5 不具備专利法第 22 条第 3 款规定的创造性。
- ☐ 权利要求 不具備专利法第 22 条第 4 款规定的实用性。
- ☐ 权利要求 属于专利法第 25 条规定的不授予专利权的范围。
- ☐ 权利要求 不符合专利法第 26 条第 4 款的规定。
- ☐ 权利要求 不符合专利法第 31 条第 1 款的规定。
- ☐ 权利要求 不符合专利法第 33 条的规定。
- ☐ 权利要求 不符合专利法实施细则第 2 条第 1 款的规定。
- ☐ 权利要求 不符合专利法实施细则第 13 条第 1 款的规定。
- ☒ 权利要求 6 不符合专利法实施细则第 20 条的规定。
- ☐ 权利要求 不符合专利法实施细则第 21 条的规定。
- ☐ 权利要求 不符合专利法实施细则第 22 条的规定。
- ☒ 权利要求 6, 7, 10 不符合专利法实施细则第 23 条的规定。

☐ 分案的申请不符合专利法实施细则第 43 条第 1 款的规定。

上述结论性意见的具体分析见本通知书的正文部分。

6. 基于上述结论性意见, 审查员认为:

- ☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。
- ☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。
- ☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。

7. 申请人应注意下述事项:

- (1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的肆个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。
- (2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。
- (3) 申请人的意见陈述书和 / 或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。
- (4) 未经预约, 申请人和 / 或代理人不得前来国家知识产权局专利局与审查员举行会晤。

8. 本通知书正文部分共有 2 页, 并附有下列附件:

☒ 引用的对比文件的复印件共 2 份 12 页。



审查员: 谢明 (2435)

2008 年 2 月 2 日

审查部门

机械发明审查部



## 第一次审查意见通知书正文

申请号：2004800280685

本申请涉及一种片剂盒，经审查，提出以下审查意见。

1.权利要求1请求保护一种片剂盒，对比文件1（JP2002179020A，公开日2002年6月26日）为最接近现有技术，其公开了一种片剂供给器，并具体公开了该片剂供给器具有一个片剂盒1用于放置片剂T，在片剂盒1上安装具有保持该片剂的凹部的转子4，当该片剂盒1安装到安装台2上时，通过转子4的旋转就能将凹部的所保持的片剂T从片剂盒1的排出口8排出；当该片剂盒1从安装台2上卸下时，弹性结合部件10（作用相当于转子反转部件）与翼部11X相联动，使转子4反转规定的量（参见说明书第0019-0024以及说明书附图1-4）。因此，该权利要求与对比文件1相比，区别技术特征是：按压部件，其在相对所述安装台装卸所述片剂盒时受到按压。

对比文件2（CN2235756Y，公开日1996年4月6日）公开了一种抽屉滑轨装置，并具体公开了该装置具有卡制片4（参见说明书第2页最后一段以及说明书附图1-3）。该权利要求中按压部件的作用是受到按压，使得容器能够卸下，而对比文件2的卡制片4也是受到按压，使得容器能够卸下，因此，二者工作原理相同，都是通过一个按压部件受到按压，使得容器能够卸下，并都能达到使一个部件卸下的技术效果，所以区别技术特征被对比文件2公开。

因此，对比文件2给出了将上述技术特征用于对比文件1的启示，这种启示使得本领域技术人员有动机在对比文件1的基础上结合对比文件2得到权利要求1请求保护的技术方案，因此，权利要求1所要求保护的技术方案对于本领域技术人员来说是显而易见的，不具有突出的实质性特点和显著的进步，不符合专利法第二十二条第三款有关创造性的规定。

2.从属权利要求2的附加技术特征是“所述按压部件是通过支轴可转动地设在所述片剂盒上的按压杆”；通过支轴连接一个杆件，使得其能够可转动地连接在该支轴上，这种连接是本领域的常用结构，因此，在其引用的权利要求1不具备创造性的情况下，从属权利要求2也不具有突出的实质性特点和显著的进步，不符合专利法第二十二条第三款有关创造性的规定。

3.从属权利要求3的附加技术特征是“所述按压部件具有从所述支轴延伸到所述按压杆相反侧的弹性片。该弹性片具有与设在所述安装台上的导轨的被卡合部进行卡合脱开的卡合爪”，在按压杆的相反侧安装弹性片，是为了使之保持良好的弹性；在其上设置与导轨卡合部进行卡合脱开的卡合爪，是为了使之达到卡合、脱开的目的。上述结构也属于本领域的公知结构，因此，在其引用的权利要求2不具备创造性的情况下，从属权利要求3也不具有突出的实质性特点和显著的进步，不符合专利法第二十二条第三款有关创造性的规定。

4.从属权利要求4的附加技术特征是“所述按压部件时在握持所述片剂盒的同时受按压的1对部件”，该结构也属于本领域的公知结构，因此，在其引用的权利要求1-3都不具备创造性的情况下，从属权利要求4也不具有突出的实质性特点和显著的进步，不符合专利法第二十二条第三款有关创造性的规定。

5.从属权利要求5的附加技术特征“所述转子反转部件只设在所述1对按压部件中的一个上”也被对比文件1公开（参见说明书第0019-0024以及说明书附图1-4），因此，在其引用的权利要求4都不具备创造性的情况下，从属权利要求5也不具有突出的实质性特点和显著的进步，不符合专利法第二十二条第三款有关创造性的规定。

6.从属权利要求6中记载有“对所述按压部件向非按压方向施力的施力部件”，而说

说明书只出现了相对于按压方向的施力部件，因而导致保护范围不清楚，不符合专利法实施细则第二十条第一款的规定，申请人应当作出修改以克服上述缺陷。

7. 每一项权利要求只允许在其结尾处使用句号（参见审查指南第二部分第二章第3.3节）。而权利要求3中出现了两个个句号，不符合上述规定，申请人应将前一个句号，改为"逗号"或"分号"。

说明书第6页第4段第3行的“片剂1”、第8行的“转子”与其他处附图标记不一致，不符合专利法实施细则第十九条第三款的规定。申请人应当对说明书进行修改，克服上述缺陷。

从属权利要求6，7，10本身是一个多项从属权利要求，它们分别引用了在前的多项从属权利要求4，4、6，7，因此不符合专利法实施细则第二十三条第二款的规定。申请人应当对该权利要求的引用关系进行修改。

申请人应在本通知书指定的答复期限内作出答复，对本通知书中提出的所有问题逐一详细地作出说明，并根据本通知书的意见对专利申请文件作出修改，尤其是应根据本通知书中引用的对比文件修改独立权利要求以及相应的从属权利要求，并在意见陈述书中论述新修改的独立权利要求相对于本通知书中引用的对比文件以及原说明书中提到的申请日前的现有技术具有创造性的理由。

此外，说明书应根据修改后的权利要求书作适应性修改。申请人对申请文件的修改应当符合专利法第三十三条的规定，不得超出原说明书和权利要求书的记载范围。

申请人提交的修改文件应当包括：修改涉及部分的原文复印件，采用红色钢笔或红色圆珠笔在该复印件上标注出所作的增加、删除或替换；重新打印的替换页（一式两份），用于替换相应的原文。申请人应当确保上述两部分在内容上的一致性。

审查员：

代码：

